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Wednesday, 20 April 2011, 3.25 p.m.
New York

President:	Mr. Osorio	(Colombia)
Members:	Bosnia and Herzegovina	Mr. Barbalić
	Brazil	Mrs. Viotti
	China	Mr. Wang Min
	France	Mr. Araud
	Gabon	Mr. Onanga Ndiaye
	Germany	Mr. Wittig
	India	Mr. Manjeev Singh Puri
	Lebanon	Mr. Salam
	Nigeria	Mr. Onemola
	Portugal	Mr. Vaz Patto
	Russian Federation	Mr. Pankin
	South Africa	Mr. Sangqu
	United Kingdom of Great Britain and Northern Ireland	Mr. Parham
	United States of America	Ms. Rice

Agenda

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2011/244)

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The meeting was called to order at 3.25 p.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan

Report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur (S/2011/244)

The President (*spoke in Spanish*): Under rule 37 of the Council's provisional rules of procedure, I should like to invite the representative of the Sudan to participate in this meeting.

Under rule 39 of the Council's provisional rules of procedure, I invite Mr. Atul Khare, Assistant Secretary-General for Peacekeeping Operations, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I would like to draw the attention of Council members to document S/2011/244, which contains the report of the Secretary-General on the African Union-United Nations Hybrid Operation in Darfur.

I now give the floor to Mr. Atul Khare.

Mr. Khare: I thank you, Sir, for the opportunity to brief the Security Council on the situation in Darfur. The Council has before it the Secretary-General's most recent report (S/2011/244) on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), as well as a separate report on the Darfur-based political process, which was requested in the Council's presidential statement of 9 February (S/PRST/2011/3).

I would like to begin my remarks today with the latest developments in Darfur, followed by updates on the negotiations in Doha. I will then highlight some of the key issues related to the launch of the Darfur-based political process, including the enabling environment.

Following clashes between forces of the Government of the Sudan and the armed movements in January and February, there was a decrease in hostilities in March. While the situation remains relatively quiet, there is reason for concern, particularly in North and South Darfur.

On 8 April, the commanders of the Justice and Equality Movement (JEM), the Sudan Liberation Army (SLA)-Minni Minawi faction and the SLA-Abdul Wahid faction issued a joint statement claiming that they had been attacked by the Sudanese Armed Forces (SAF) in Muzbat, 63 kilometres north-east of Umm Baru, in North Darfur.

On 13 April, a UNAMID patrol sent to the area to verify the reports was stopped at Turba by unidentified armed men in four vehicles, who prevented the patrol from proceeding further. The commander identified the group as belonging to a JEM/SLA-Minni Minawi coalition that had returned to the area to reclaim it from the Sudanese Armed Forces. He alleged that coalition forces were in control of Farawiya, Muzbat and Gurbura.

On 14 April, a UNAMID verification patrol to Farawiya was informed by local civilians that no movement of armed groups had been observed in the area, but that there had been overflights by the Sudanese Armed Forces. It is UNAMID's assessment, on the basis of currently available information, that these areas around Umm Baru remain under Government control.

UNAMID has received reports of an SAF build-up in north-western North Darfur. The Government has indicated that this is in response to the current instability in Libya, its concerns over the proliferation of arms in the area and the likelihood of rebel movements across the border areas.

On 15 April, UNAMID received information about a build-up of SAF and SLA-Minni Minawi forces in the areas of Marla, Sania Afandu, Adob, Labado and Muhajeria. UNAMID verification patrols have confirmed the presence of both forces in those areas. The Mission is continuing to closely monitor these developments in North and South Darfur.

With regard to the security of UNAMID and humanitarian personnel, on 5 April a UNAMID patrol was ambushed by armed elements in Kutum, in North Darfur. A UNAMID police adviser from Sierra Leone unfortunately made the ultimate sacrifice. One of the perpetrators was killed in the ensuing firefight. The Government subsequently apprehended one suspect, and the Mission is working with the authorities to ensure a full investigation, accountability and justice on this matter.

On 11 April, a group of persons suspected of belonging to the National Intelligence and Security Service entered the Kalma internally displaced persons camp and took away a resident, who is also a national staff member of the non-governmental organization (NGO) International Medical Corps. In response, internally displaced youth held hostage another national staff member of the International Medical Corps, seven staff members of the national NGO Jebel Marra and four national staff members of the international NGO American Refugee Committee. Two days later, on 13 April, the 12 aid workers were released unharmed following the timely intervention of UNAMID and the humanitarian country team. Humanitarian activities were subsequently restarted partially by NGO staff present in the Kalma camp. The location of the resident of the Kalma camp remains unknown. The National Intelligence and Security Service in South Darfur denies its involvement in this incident.

During his visit to Nyala on 18 April, Joint Special Representative Gambari assured humanitarian workers that UNAMID would make every effort to facilitate their earliest possible full return to the camp.

On 20 April, following negotiations undertaken by the Office for the Coordination of Humanitarian Affairs, UNAMID and those NGOs responsible for delivering humanitarian assistance in Kalma camp with the sheikhs and the youth group responsible for the hostage-taking, it was agreed that full services would resume. Clinics in the camp remain open and April food distribution was completed today.

It has been 98 days since three crew members of the United Nations Humanitarian Air Service were abducted in Um Shalaya, West Darfur, on 13 January. The United Nations continues to work with the Government to secure their safe release.

As noted in the Secretary-General's report, the clashes in January and February led to the displacement of the population in some areas of North and South Darfur. The numbers contained in the report are contested by the Government, which feels that they are inflated. These numbers include primary, secondary and temporary displacement. A joint working group of representatives from the Government, the United Nations and humanitarian partners has been set up to review the calculation of the new displacements, agree on a common figure and review the response to the most pressing humanitarian needs of these displaced persons.

With regard to access, as noted in the Secretary-General's report, between 1 January and 31 March the Mission conducted 10,619 patrols, of which 18 were impeded by the Government and one by the SLA-Abdul Wahid faction. To update that figure, between 1 and 16 April the Mission conducted 2,542 patrols and faced 10 movement restrictions. Nine of these 10 restrictions were due to SAF and the National Intelligence and Security Service preventing UNAMID patrols from reaching Kutum and Tabit in North Darfur; Kalma, Abu Matariq, Kass, Balil and El Deain in South Darfur; and Tine in West Darfur, citing either lack of prior notification or ongoing military activities. On one occasion, in the case of the patrol to Muzbat mentioned earlier, armed elements prevented the patrol from proceeding.

From 1 January to 31 March, the Government refused 95 of 5,846 flight clearance requests submitted by the Mission, mainly during and because of ongoing military operations. This included 14 occasions of denial of the use of tactical helicopters out of 152 requests made. The Government granted immediate clearance for the use of tactical helicopters and other aircraft in the case of the 5 April attack on the UNAMID convoy in Kutum, which I mentioned earlier.

In a positive development, and following close follow-up with national authorities, UNAMID access to Jebel Marra has increased, with four patrols and assessment missions and over 500 kilograms of relief aid reaching the area in March. In recent meetings between Joint Special Representative Gambari and the leadership of SLA-Abdul Wahid, it was agreed that the rebel group would facilitate humanitarian access. The establishment of a UNAMID team site in Jebel Marra was also discussed. Multiple missions to Jebel Marra are scheduled to take place from 27 April to 11 May, during which UNAMID and United Nations agencies plan to deliver humanitarian aid, including medical supplies, and to pursue with the SLA-Abdul Wahid commanders arrangements to ensure greater humanitarian access and the establishment of a static UNAMID presence in the area.

Following a working-level tripartite meeting on 31 March in Khartoum, the Government indicated that it was in the process of approving 600 of the 1,261 outstanding visa requests. The Government has also

indicated its readiness to review the remaining requests. Since that time, 306 visas have been issued, almost half of them for military personnel. As of today, 20 April, the number of pending visas stood at 1,117. UNAMID, the Department of Peacekeeping Operations and Department of Field Support continue to work closely with the Government on this issue.

While there are a number of difficulties and challenges on the ground, UNAMID and the Government continue to consult closely on all issues of concern to peace and stability in the region. In this regard, the Joint Special Representative has discussed with the Government its intent to hold the referendum. The Government has indicated that, should an agreement be reached through the Doha negotiations, such an agreement would supersede the Darfur Peace Agreement, under which it is proceeding with the holding of the referendum. Joint Special Representative Gambari will continue to consult closely with the Government on these issues.

I would now like to provide an update on the Darfur negotiations taking place in Doha since the issuance of the Secretary-General's report on UNAMID and the Darfur political process.

The peace process has entered a crucial phase, with the three parties who are signatories to the framework agreements — the Government of the Sudan, the Justice and Equality Movement and the Liberation and Justice Movement (LJM) — present and fully engaged in the negotiations in Doha. On 24 February, the mediation presented to the three parties six proposed texts covering, first, wealth-sharing; secondly, power-sharing; thirdly, the return and compensation of refugees and internally displaced persons; fourthly, justice and reconciliation; fifthly, human rights and fundamental freedoms; and sixthly, security arrangements.

It is the mediation's intent to submit to the parties by 27 April — a week from now — a draft comprehensive agreement for their final consideration. In that regard, on 18 April, the mediation requested the Government of the Sudan, the Liberation and Justice Movement and the Justice and Equality Movement to continue to work together with a view to submitting to it all final comments on the six chapters of a comprehensive peace agreement thus far provided to the parties. A seventh chapter on mechanisms necessary for the implementation of the agreement will be provided to the parties in the coming days.

The positions of the LJM and the Government of the Sudan on the texts are nearly reconcilable. The Justice and Equality Movement, however, has made a number of fundamental comments and suggestions. We appreciate the full support of the international community for the mediation, including its interventions with the parties, to impress on them the need to seize this opportunity for a comprehensive peace. We call on the international community to send a clear message to the JEM that it must fully engage on the basis of the draft provided to it and reach a comprehensive agreement in the time frame established by the mediation.

With regard to Minni Minawi, it will be recalled that he has disassociated himself from the Darfur Peace Agreement and continues to engage in hostilities on the ground. Abdul Wahid also continues to remain outside the negotiation process, despite significant attempts to bring him into it. The full support of the international community continues to be required to reconcile Minni Minawi and Abdul Wahid with the negotiation process.

The mediation has indicated that, given the time necessary to finalize the draft comprehensive agreement and to organize the logistical requirements of the All Darfur Stakeholders Conference, the Conference will now be held from 18 to 23 May. As indicated in the Secretary-General's report, the Conference will bring together the Government of the Sudan, the armed movements, Darfuri civil society, including internally displaced persons and refugees, Sudanese political parties and others, in order to reach a consensus on the provisions contained in the proposed comprehensive agreement and thus achieve popular endorsement of the proposed resolution to the conflict. The Conference will also gather the mediation's international partners to provide international support to the endorsed resolution. The intent is to provide an opportunity to build support among all stakeholders and to allow the United Nations and the African Union (AU) to work proactively towards bringing all parties, including the armed movements, to a harmonized approach to achieving peace. UNAMID and the mediation are working closely on the selection and transportation of participants from Darfur to Doha for the Stakeholders Conference. UNAMID is also following up on these issues closely with the Government.

As the Council is aware, the launch of the Darfur-based political process is envisaged as a means of furthering popular support for the outcome, and the

implementation of the outcome, of the negotiations in Doha. While there remain different views on the sequencing of the political process and the peace negotiations taking place in Doha, we continue to believe that all efforts should be made to reach an agreement through the All Darfur Stakeholders Conference with a view to ensuring that the Darfur political process is a forum for discussion and buy-in at the local level and to enhancing aspects of the agreement of importance to local communities in Darfur.

As emphasized by the African Union Peace and Security Council, the Darfur-based political process must take place in an environment that will guarantee its credibility by ensuring, first, the civil and political rights of participants such that they can exercise their views without fear of retribution; secondly, the freedom of speech and assembly to permit open consultations; thirdly, the freedom of movement of participants and UNAMID; and fourthly, proportional participation among Darfurians. The 18 February meeting of the Joint Special Representative and Special Envoys further defined these conditions to include freedom from harassment, arbitrary arrest and intimidation, and freedom from interference by the Government or armed movements.

The intention of the Government to lift emergency law will go a long way towards fulfilling these conditions. The United Nations welcomes the Government's announcement and looks forward to its implementation. In a recent meeting with the Joint Special Representative, the Government recommitted itself to ensuring the creation of an enabling environment and working with UNAMID and the AU High-Level Implementation Panel towards this end. In this connection, further work needs to be undertaken on the mechanism to monitor the situation on the ground to ensure that the political and civil rights of the participants in the Darfur-based political process are protected. UNAMID and the AU High-Level Implementation Panel will continue to work with the Government towards this end as negotiations in Doha proceed.

Should the current road map towards a comprehensive peace need to be revisited after the All Darfur Stakeholders Conference, the Secretary-General will review the situation with African Union Chairperson Jean Ping and other stakeholders and provide the appropriate recommendations to the Security Council.

The President (*spoke in Spanish*): I thank Mr. Khare for his briefing.

I now give the floor to the Permanent Representative of the Sudan.

Mr. Osman (Sudan) (*spoke in Arabic*): The report of the Secretary-General on the situation in Darfur (S/2011/244) and the implementation of the mandate of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in the framework of political developments indicates that progress has been made in the Doha negotiations, reflecting the onset of the political process. That is a source of hope.

I should like here to stress the importance of inter-Darfurian dialogue to give voice to the silent majority of Darfur in all social categories and strata, including tribal leaders, civil administrators and civil society organizations with experience on the ground in Darfur, on whom any agreement on Darfur will depend.

We have transmitted to the Security Council the decree issued by the President of the Republic on 29 March calling for a referendum on the administrative status of Darfur. As Council members are aware, paragraph 55 of the Darfur Peace Agreement stipulates that the "permanent status of Darfur shall be determined through a referendum held simultaneously in the three states of Darfur". Thus, the convening of the referendum on the administrative status of Darfur is in implementation of the Darfur Peace Agreement.

Furthermore, it is well known that my country is drafting a new constitution to take effect following the end of the transitional period for the implementation of the Comprehensive Peace Agreement on 9 July. The preparation of the prospective permanent constitution will require the administrative status of Darfur to be settled first. We have informed the Security Council in writing of the details of the referendum, which is expected to be held under the supervision of the National Electoral Commission and international, regional and local observers.

We note that the Government of the Sudan is making strenuous efforts to provide an appropriate atmosphere for the conduct of the referendum and to design a package of arrangements, including the lifting of the state of emergency and guarantees of the freedoms of assembly and expression. The Government will pursue its consultations with political forces, the signatories to the Darfur Peace Agreement and the

Declaration of Principles, UNAMID, the African Union Panel of the Wise led by President Thabo Mbeki, and other international actors with a view to conducting the referendum in a manner that will achieve the desired goal of enabling the people of Darfur to participate in the voting process to determine in an impartial manner the administrative of Darfur.

In outlining the security situation in Darfur, the report before us indicates that tribal disputes, banditry and plunder by armed groups are the principal sources of insecurity in some parts of the region. As members of the Council well know, certain leaders of armed movements have pursued their consistent violations of the ceasefire and attacks on police stations. Our Government has therefore assumed its responsibility for extending security and the rule of law and guaranteeing the delivery of humanitarian assistance through regular security operations. Some claim that our forces have undertaken aerial bombardment, but such claims cannot belie the truth that stability and security now prevail in all provinces of Darfur, with the exception of a few pockets where certain armed groups have taken refuge.

With regard to the humanitarian situation in Darfur, a high-level committee is in place to follow up the implementation of the humanitarian protocol. The Government of the Sudan, UNAMID and representatives of humanitarian organizations working in Darfur all participate in that committee. The committee continues to regularly oversee humanitarian operations in the region. Paragraph 12 of the report of the Secretary-General refers to the decrease in attacks on humanitarian personnel, which was the result of police security patrols carried out with the participation of UNAMID.

Paragraph 51 of the Secretary-General's report sets out the current situation in UNAMID, which is better as compared to many other peace missions. Suffice it to say, that 92 per cent of the Mission's military force is now deployed on the ground. That is in addition to the police and civilian elements already deployed. This reflects my Government's seriousness and eagerness to cooperate with the United Nations.

In that connection, I would like to say that, given that this is such a major mission, the granting of entry visas may be delayed because of routine procedures. That should not distract attention from the actual cooperation that exists, which led to the deployment of the Mission's components. With regard to the draft before the Council concerning visas, I would like to say that the backlog of pending visas is due to duplications in requests made through more than one channel, rather than just through the UNAMID command. In that regard, I wish to recall that, as soon as this issue was raised under the tripartite meeting mechanism, my Government agreed to grant the requested entry visas — a total of 600 such visas. However, requests are being submitted daily and there are now more than 1,000 such requests. This is normal. I wish to reassure the Council that we will grant visas for all requests.

I would also like to say that, while we recognize the difficulties in outreach to police personnel in Darfur who do not speak Arabic, we still request UNAMID and Department of Peacekeeping Operations (DPKO) officials to employ Arabic-speaking personnel, which will facilitate their mission. We would like to express our appreciation for the considerable efforts made by the Mission and DPKO in that regard.

In conclusion, the Government of the Sudan is moving ahead with its intensive efforts to achieve sustainable and comprehensive peace in Darfur as soon as possible. We are doing so by pressing ahead with the political process internally through the Darfur dialogue. That, in turn, complements efforts currently under way by the joint mediation in Doha.

I appeal to the Council not to leave the peace process in Darfur contingent upon the whims of the rebel leadership, which continues to publicly reject repeated calls from the Security Council and the international community. We hope that the Council will call on rebel leaders to join the negotiating process. The Council is no doubt well aware of its responsibilities and the role entrusted to it by the Charter for the maintenance of international peace and security. The achievement of just and comprehensive peace is the only option for the people of Darfur. How long will the Council remain quiet in the face of the rigid and controversial positions adopted by the leaders of movements who in principle reject peace?

The President (*spoke in Spanish*): I thank the representative of the Sudan for his statement.

There are no further speakers inscribed on my list. I now invite Council members to informal consultations to continue our discussion of the subject.

The meeting rose at 4 p.m.